



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter ASSAF et al.

Serial No.: 10/555,664

Filed: November 4, 2005

For: Nitric Oxide Donors And
Uses Thereof

Examiner: Sun Jae Y. LOEWE

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Confirmation No.: 9895

Group Art Unit: 1626

Attorney Docket: 30724

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The owner, Renopharm Ltd., of Nazareth Ilit, Israel, having 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,189,750 issued on March 13, 2007 as the term of said prior patent is defined in 35 U.S.C. §154 and §173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;
is held unenforceable;

is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R.
§1.321; has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its full statutory term
as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization to charge the above Terminal Disclaimer fee of \$70.00, and any other fees to Deposit Account 50-1407.

Respectfully submitted,

A handwritten signature in black ink, reading "Martin D. Moynihan". The signature is fluid and cursive, with the first name "Martin" and last name "Moynihan" clearly distinguishable.

Martin D. Moynihan
Registration No. 40,338

Dated: November 9, 2009